

abuses the licensing system, Commerce may revoke its electronic licensing privileges without prior notice. The filer will then only be able to obtain a license directly from Commerce. Because of the additional time need to review such forms, Commerce may require up to 10 working days to process such forms. Delays in filing caused by the removal of a filer's electronic filing privilege will not be considered a mitigating factor by the U.S. Customs Service.

PART 361—MEXICAN CEMENT IMPORT LICENSING SYSTEM

Sec.

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AUTHORITY: 13 U.S.C. 301(a) and 302.

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§361.101 Mexican Cement Import Licensing System.

(a) *In general.* (1) On March 6, 2006, the Agreement between the Office of the United States Trade Representative and the Department of Commerce of the United States of America and the Ministry of Economy of the United Mexican States (Secretaria de Economia) on Trade in Cement (Agreement) was signed. Pursuant to the Agreement, the United States has agreed to implement an import licensing system for imports of merchandise covered by the scope of the anti-dumping duty order on Cement from Mexico. Some of the data to be collected is in addition to data currently collected by U.S. Customs and Border Protection (USCBP). The data collected by the Mexican Cement Import Licensing System will be used by the Department of Commerce (Commerce) to monitor imports of Mexican Cement, as the imports occur.

(2) Mexican Cement is defined as gray portland cement and clinker from Mexico. Gray portland cement is a hydraulic cement and the primary component

of concrete. Clinker, an intermediate material produced when manufacturing cement, has no use other than being ground into finished cement. Specifically included within the scope of this definition are pozzolanic blended cements and oil well cements. Specifically excluded are white cement and Type "S" masonry cement. Gray portland cement is currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) item number 2523.29 and cement clinker is currently classifiable under HTSUS item number 2523.10. Gray portland cement has also been entered under HTSUS item number 2523.90 as "other hydraulic cements." These HTSUS subheadings are provided for convenience and USCBP purposes; the written definition is controlling for purposes of this Agreement.

(3) The Mexican Cement Import Licensing System includes an online registration system. All imports of Mexican Cement covered by the scope of the Agreement, including samples, whether or not for consumption, are subject to the Mexican Cement Import Licensing requirements. Information gathered from these import licenses will be used to ensure that the terms of the Agreement are complied with and enforced.

(4) A single import license may cover multiple products if the following information reported on the import license remains the same: Company Name, Address, City, State, Zip, Contact Name, Contact Phone, Contact Fax, Contact E-mail, Importer Name, Exporter Name, Manufacturer Name, Country of Origin, Country of Exportation, Expected Port of Entry, Expected Date of Importation, Expected Date of Export, Customs Entry Number (if known), Date License Valid From, Date License Valid Through, Date of Application, Subregion of Final Destination, Type of Affiliation, U.S. Affiliate's Name, Address, County, City, State, Zip, Mexican Export License Number, and Disaster Relief Statement. Separate import licenses will be required for each type of Mexican Cement entry if the above information differs. As a result, a single USCBP entry summary may require more than one Mexican Cement import license. The applicable import license(s) must

cover the total quantity of Mexican Cement entered and should cover the same information provided on USCBP Form 7501.

(5) Access to Information. (i) Information gathered by the Mexican Cement Import Licensing System will be treated as business proprietary information and will be subject to the administrative protective order in place for this Agreement. Commerce may elect to publish certain aggregate information collected by the Mexican Cement Import License System on the Import Administration Web site. Any information Commerce elects to publish will not include business proprietary information nor information from specific ports of entry or companies.

(ii) In accordance with 19 CFR 351.305, interested parties who have been approved for access to business proprietary information under the administrative protective order in effect for this Agreement will receive a quarterly report of all information gathered by the Mexican Cement Import License System.

(b) *Covered Entries.* All entries of Mexican Cement subject to the Agreement, including samples, whether or not for consumption, will require an import license prior to the filing of USCBP Form 7501, except as provided in § 361.101(c). The import license number(s) must be reported on USCBP Form 7501 at the time of filing. There is no requirement to present physical copies of the import license forms at the time of filing USCBP Form 7501; however, copies must be maintained in accordance with USCBP's existing requirements. Submission of a USCBP Form 7501 without the required import license number(s) will be considered circumvention of the Agreement.

(c) *Foreign Trade Zone entries.* All shipments of covered Mexican Cement into FTZs, known as FTZ admissions, will require an import license prior to the filing of FTZ admission documents. The import license number(s) must be reported on the application for FTZ admission and/or status designation (USCBP Form 214) at the time of filing. There is no requirement to present physical copies of the import license forms at the time of FTZ admission;

however, copies must be maintained in accordance with USCBP's existing requirements. Submission of FTZ admission documents without the required import license number(s) will be considered circumvention of the Agreement. A further Mexican Cement import license will not be required for shipments from FTZs into the commerce of the United States.

(d) *Mexican Export License Requirement.* Each importer is required to submit a valid Mexican Export License to USCBP with its 7501 entry summary. For multiple shipments at multiple ports, or multiple entries at one port, the original Mexican Export License shall be presented with the first 7501 entry summary and a copy of the Export License shall be presented with each subsequent 7501 entry summary. In the case where an entry is covered by two Mexican export licenses, the importer must obtain two separate import licenses (e.g., if a shipment of 100 metric tons (MT) is entered into the United States, 60 MT of which applies to one Mexican Export License, and 40 MT of which applies to a second Mexican Export License, the importer must obtain an import license for 60 MT and a second import license for 40 MT).

§ 361.102 Online registration.

(a) *In General.* (1) Any importer, importing company, customs broker or importer's agent with a U.S. street address may register and obtain the user identification number necessary to log on to the automatic Mexican Cement import license issuance system. Foreign companies may obtain a user identification number if they have a U.S. address through which they may be reached; P.O. Boxes will not be accepted. A user identification number normally will be issued within two business days. Companies will be able to register online through the import licensing Web site. However, should a company prefer to apply for a user identification number non-electronically, a phone/fax option will be available at Commerce during regular business hours.

(2) This user identification number will be required in order to log on to the Mexican Cement import license

issuance system. A single user identification number will be issued to an importing company, brokerage house or importer's agent. Operating units within the company (e.g., individual branches, divisions, or employees) will all use the same company user identification number. The Mexican Cement import license issuance system will be designed to allow multiple users of a single identification number from different locations within the company to enter information simultaneously.

(b) *Information required to obtain a user identification number.* In order to obtain a user identification number, the importer, importing company, customs broker or importer's agent will be required to provide certain general information. This information will include: the filer's company name, employer identification number (EIN) or USCBP ID number (where no EIN is available), U.S. street address, telephone number, e-mail address, and contact information for both the company headquarters and any branch offices that will be applying for Mexican Cement import licenses. It is the responsibility of the applicant to keep this information up-to-date. This information will not be released by Commerce, except as required by U.S. law.

§ 361.103 Automatic issuance of import licenses.

(a) *In general.* Mexican Cement import licenses will be issued to registered importers, customs brokers or their agents through the automatic Mexican Cement Import Licensing System. The import licenses will be issued automatically after the completion of the form.

(b) *USCBP entry number.* Filers are required to report a USCBP entry number to obtain an import license if the USCBP entry number is known at the time of filing for the import license.

(c) *Information required to obtain an import license.* (1) The following information is required to be reported in order to obtain an import license (if using the automatic licensing system, some of this information will be provided automatically from information submitted as part of the registration process):

(i) Applicant company name and address;

(ii) Applicant contact name, phone number, fax number and e-mail address;

(iii) Importer name;

(iv) Exporter name;

(v) Manufacturer name;

(vi) Country of origin;

(vii) Country of exportation;

(viii) Expected date of export;

(ix) Expected date of import;

(x) Expected port of entry;

(xi) Sub-Region of Final Destination: Indicate the Sub-region where either the Mexican Cement will be consumed by an affiliated company to make concrete or concrete products or the Sub-region of the first unaffiliated purchaser of the Mexican Cement.

(xii) Final Destination: Indicate the complete name and address (including county) of either the affiliated company that will consume the Mexican Cement or the first unaffiliated purchaser of the Mexican Cement. If either is not known when the Import License is issued, indicate the address (including county) where the Mexican Cement will be siloed/warehoused until the time of shipment to the first unaffiliated purchaser.

(xiii) USCBP entry number, if known;

(xiv) Current Harmonized Tariff System of the United States (HTSUS) number (from Chapter 25 of the HTSUS);

(xv) Quantity (in metric tons);

(xvi) Customs value (U.S. \$);

(xvii) Whether the entry is made pursuant to the disaster relief provisions of the Agreement; and

(xviii) Mexican Export License Number.

(2) Certain fields will be automatically completed by the automatic import license system based on information submitted by the filer (e.g., product category, unit value). Filers should review these fields to help confirm the accuracy of the submitted data.

(3) Upon completion of the form, the importer, customs broker or the importer's agent will certify as to the accuracy and completeness of the information and submit the form electronically. After submitting the completed form, the system will automatically issue a Mexican Cement import license

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number. The refreshed form containing the submitted information and the newly issued import license number will appear on the screen (the “import license form”). If needed, copies of completed import license forms can be requested from Commerce during normal business hours.

(d) *Duration of the Mexican Cement import license.* The Mexican Cement import license can be applied for up to 30 days prior to the expected date of importation and until the date of filing of USCBP Form 7501, or in the case of FTZ entries, the filing of USCBP Form 214. The Mexican Cement import license is valid for 60 days; however, import licenses that were valid on the date of importation but expired prior to the filing of USCBP Form 7501 will be accepted.

(e) *Correcting submitted license information.* If an error is discovered in the import license after the entry date listed on USCBP Form 7501, filers will be

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able to correct the import license or cancel the import license and obtain a new import license. Commerce reserves the right to verify any changes made to an import license after entry and may take appropriate action under the terms of the Agreement if it determines that a violation of the Agreement has occurred.

§ 361.104 Fees.

No fees will be charged for obtaining a user identification number or issuing a Mexican Cement import license.

§ 361.105 Hours of operation.

The automatic licensing system will generally be accessible 24 hours a day, 7 days a week but may be down at selected times for server maintenance. If the system is down for an extended period of time, parties will be able to obtain import licenses from Commerce directly via fax during regular business hours.